

have been subject to sexual assault or other serious crimes get the justice they deserve.

I know that my colleague from Oklahoma, the ranking member of the Committee on Armed Services, reached out to our military chiefs for their thoughts on this bill. While there was, as Army GEN James McConville wrote, recognition “that there are concerns with the way our current process pursues justice for major crimes,” I understand that they also have concerns about this legislation, and I would like to allay those concerns today.

More broadly, the service chiefs’ letters all seem to indicate a misunderstanding of how fundamental this change would be. Marine Corps Gen. David Berger, for instance, wrote that the bill “appears to create a more complex system that could potentially slow the military justice process.” Space Force Gen. John Raymond wrote that “the proposed changes add a layer of complexity that needs to be fully understood.”

This bill would streamline, not complicate, the military justice process. The lawyers who would be making these prosecution decisions under our legislation are already working on these very cases.

Navy ADM Michael Gilday expressed concern that “large scale removal of commanders’ authority could cause sailors to doubt the capabilities of their commanders or to believe that their commanders operate without the full trust of their superiors.”

That worry is unfounded. Iraq and Afghanistan Veterans of America surveyed their members—recent veterans—and 77 percent said that moving a serious crime like sexual assault out of the chain of command would have no impact on their view of the commander’s authority. Nearly 1 in 10 said that the change would lead them to view their commander as more of an authority figure.

I would point out that the IRC Chairwoman, Lynn Rosenthal, said:

The IRC rejects the motion that, by moving legal decisions about prosecution from the command structure, that commanders would have no role. It’s simply not the case. Commanders are responsible for the climates they create. They’re responsible for working to prevent sexual assault and sexual harassment, and they’re responsible for making sure that victims are protected when they come forward to report. So, the idea that they won’t have an interest in solving this problem if they are not making those technical legal decisions, we think, is simply false.

I trust that our commanders will be able to maintain their authority and maintain their investment in the welfare of the troops without being responsible for deciding these serious crimes.

General Berger put it well. He wrote:

I expect commanders to always bear responsibility for their Marines; changes like those in this bill will never relieve commanders of their duty to care for and lead their Marines, including when certain mili-

tary justice processes are removed from their control.

There were also questions about whether or not these changes were needed for all serious crimes. Admiral Gilday wrote that he had “seen no evidence that there is a lack of trust among victims for all crimes for which the punishment exceeds one year of confinement.”

There is evidence. The Department of the Air Force inspector general conducted a survey in 2020 which found that one in three Black servicemembers said they believe the military discipline system is biased against them and that three in five Black servicemembers believe they do not and will not receive the same benefit of the doubt as their White peers if they get in trouble. That level of distrust must be addressed.

General Raymond also suggested a more limited reform, writing that beyond sexual assault, “the other offenses are not as complex and do not require specialized training.” On the contrary. Crimes included in our bill, like murder, manslaughter, fraud, and extortion, all present complex cases, and they deserve to be put in the purview of trained legal experts.

As you know, Mr. President, our bill has a bright line at felonies. To be a felony, it has to be a complex crime. Our bill does not include misdemeanors.

The service chiefs’ letters also included calls to put an emphasis on preventing, rather than prosecuting, these crimes. I, too, would rather see these crimes not happen, which is why this bill includes various provisions on prevention efforts. But given the current reality, prevention is not enough. We must prosecute these serious crimes and show that there are real consequences for anyone who commits them. Doing so not only changes the culture, it will remove recidivists from the ranks, preventing them from committing more crimes.

Right now, there is a deep lack of trust in the current system and whether or not it can or will deliver justice. That is detrimental to our armed services. As General Raymond wrote, “Lack of trust and reluctance to seek justice are, in themselves, readiness issues.”

I remind my colleagues that our job is to provide oversight and accountability over the executive branch, including the armed services, and to ensure that those who serve our country in uniform are being well served by their government.

As Berger noted, if the Uniform Code of Military Justice does not adequately “promote justice” or “assist in maintaining good order and discipline,” then it must change. The current system does not adequately promote justice, and it must change. It is our duty and our obligation to do the work to change it, and this body and every Senator in it deserves to have a vote.

As if in legislative session, I ask unanimous consent that at a time to be

determined by the majority leader in consultation with the Republican leader, the Senate Armed Services Committee be discharged from further consideration of S. 1520 and the Senate proceed to its consideration; that there be 2 hours for debate equally divided in the usual form; and that upon the use or yielding back of that time, the Senate vote on the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection.

Mr. REED. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Donald Michael Remy, of Louisiana, to be Deputy Secretary of Veterans Affairs.

The PRESIDING OFFICER. The Senator from Oregon.

VOTING RIGHTS

Mr. MERKLEY. Mr. President, this is a critical time for America. It is a moment in which the actions we take or don’t take will affect the very design of our government for generations to come.

Our Founders had a vision that we all are created equal. In our initial Constitution, it wasn’t fully manifested, but we have worked through several hundred years to come to that point that we recognize that every American should be able to participate in the direction of their country. We had some key moments in that national debate.

I was always fascinated that when my father was born in 1919, women couldn’t vote in America. We had all kinds of other barriers for communities of color—for Black Americans, for Native Americans—and those barriers we struck down time after time after time.

Then we came to 1965, and we said there are still so many ways that communities are trying to keep every citizen from participating in voting, and we are going to make sure that ends from this point forward.

President Johnson said that the power of the vote is the most significant tool ever developed to strike down injustice. It is a powerful tool. It is really the beating heart of our Republic, that ballot box, the ability to say: This is what I like, and this is what I don’t like. This is who I like, and this is who I don’t think will carry the policies I believe in.

At its heart, this is a vision of power flowing up from the people, not down from the powerful, but here is the problem: The powerful don’t like that vision of America, so they have many, many strategies designed to try to override that founding vision of participation. They have legions of lawyers, and they have legions of lobbyists. There are three drug lobbyists for every single Member of Congress. They